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EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/682,876**

Applicant(s)

**Duchow**

Examiner

**James W. Myhre**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 31, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-21, and 24-66 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-21, and 24-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on January 31, 2003 is sufficient to overcome the previous rejection using the Scroggie et al (6,185,541) and Cupps et al (5,991,739) references.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 2, 3, 5/2, 5/3, 6/2, 6/3, 7/2, 7/3, 8/2, 8/3, 9/2, 9/3, 10/2, 10/3, 11/10/2, 11/10/3, 14, 15, 17/14, 17/15, 18/14, 18/15, 19/14, 19/15, 20/14, 20/15, 25/14, 25/15, 26/14, 26/15, 29/14, 29/15, 32, 33, 39, 44, 45, 53, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Awada et al (2002/0065713).

Claims 2, 3, 14, 15, 44, 45, 53, and 54: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network, comprising:

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- a. Accessing a product database (page 3, para 0042 and page 4, para 0050);
- b. Displaying a list of products to the buyer (page 3, para 0042);
- c. Receiving a product selection from the buyer (page 3, para 0042 and page 4, para 0051);
- d. Receiving and storing information about the buyer (page 3, para 0043);
- e. Accessing a reseller (merchant) database to select a reseller based on the product selection and the buyer information (page 3, para 0045 and page 4, para 0051); and
- f. Transmitting the reseller information and a discount to the buyer (page 3, para 0045 and page 4, para 0051), wherein the discount is selected from a discount database based on the selected product (page 3, para 0040 and page 4, para 0051).

Claims 5/2, 5/3, 25/14, 25/15: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the computer network is the Internet (page 5, para 0058 and claim 3).

Claims 6/2, 6/3/ 26/14, and 26/15: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the discount is a cash discount with an expiration date (page 4, para 0052).

Claims 7/2, 7/3, 8/2, 8/3, 17/14, 17/15, 19/14, and 19/15: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses that the reseller and discount information is transmitted to

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the buyer via email (i.e. text message) or displayed on a website (i.e. graphical)(page 4, para 0052).

Claims 9/2, 9/3, 10/2, 10/3, 11/10/2, 11/10/3, 18/14, 18/15, 29/14, and 29/15: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, and further discloses selecting the reseller geographically closest to the buyer, based on the buyer's zip code and email address provided as buyer information (page 3, para 0037 and 0041).

Claims 20/14 and 20/15: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claims 14 and 15 above, and further discloses sending the buyer information and the discount to the reseller (page 4, para 0054).

Claim 32: Awada discloses a method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Advertising a plurality of discounts available for a plurality of products (page 4, para 0051);
- b. Receiving a product selection and buyer information from a buyer (page 3, para 0042 and page 4, para 0051);
- c. Selecting a reseller and discount based on the selected product and buyer information (page 3, para 45 and page 4, para 0051); and
- d. Transmitting the reseller and discount information to the buyer (page 3, para 45 and page 4, para 0051).

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Claim 33: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, and further discloses the incentive is a cash discount with an expiration date (page 4, para 0052).

Claims 34 and 36: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, and also discloses transmitting the reseller and discount information to the buyer via a telephone, fax machine, or any other type of wireless communication device.

Claim 39: Awada discloses a method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Receiving buyer information (page 3, para 0043);
- b. Determining the reseller covering the geographic area of the buyer (page 3, para 0045 and page 4, para 0051); and
- c. Transmitting the purchase incentive to the buyer, the purchase incentive being redeemable only at the selected reseller (page 3, para 0045 and page 4, para 0051). Since each individual merchant in the Awada system creates and stores the electronic coupons which it will accept (page 3, para 0040), it is inherent that the coupon would only be redeemable at that merchant.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38 and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (2002/0065713).

Claim 38: Awada discloses a method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Receiving buyer information (page 3, para 0043);
- b. Determining the reseller covering the geographic area of the buyer (page 3, para 0045 and page 4, para 0051); and
- c. Transmitting the purchase incentive to the buyer, the purchase incentive being redeemable only at the selected reseller (page 3, para 0045 and page 4, para 0051). Since each individual merchant in the Awada system creates and stores the electronic coupons which it will accept (page 3, para 0040), it is inherent that the coupon would only be redeemable at that merchant.

While Awada discloses selecting a merchant who covers the geographic area in which the customer is located, it is not explicitly disclosed that the territorial coverage of the merchant has

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been assigned to that merchant by a producer (manufacturer). However, Official Notice is taken that it is old and well known within the retail industries for producers to assign exclusive distribution rights for their product(s) to retails, such as franchise holders, within a producer-specified territory. It is common to base these assignments on either total area (i.e. square miles or city blocks), on population (i.e. an area encompassing 100,000 residents), or on a geographical or political division (i.e. East Coast or Virginia). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the geographic area which is covered by the merchant in Awada to be an area assigned by the product manufacturer (producer). One would have been motivated to have a producer-assigned territory in view of the common practice in society for producers to grant such exclusive distribution rights to merchants.

Claim 56: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Accessing a product database (page 3, para 0042 and page 4, para 0050);
- b. Displaying a list of products to the buyer (page 3, para 0042);
- c. Receiving a product selection from the buyer (page 3, para 0042 and page 4, para 0051);
- d. Receiving and storing information about the buyer (page 3, para 0043);
- e. Accessing a reseller (merchant) database to select a reseller based on the product selection and the buyer information (page 3, para 0045 and page 4, para 0051); and



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f. Transmitting the reseller information and a discount to the buyer (page 3, para 0045 and page 4, para 0051), wherein the discount is selected from a discount database based on the selected product (page 3, para 0040 and page 4, para 0051).

While Awada discloses selecting a merchant who covers the geographic area in which the customer is located, it is not explicitly disclosed that the territorial coverage of the merchant has been assigned to that merchant by a producer (manufacturer). However, Official Notice is taken that it is old and well known within the retail industries for producers to assign exclusive distribution rights for their product(s) to retails, such as franchise holders, within a producer-specified territory. It is common to base these assignments on either total area (i.e. square miles or city blocks), on population (i.e. an area encompassing 100,000 residents), or on a geographical or political division (i.e. East Coast or Virginia). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the geographic area which is covered by the merchant in Awada to be an area assigned by the product manufacturer (producer). One would have been motivated to have a producer-assigned territory in view of the common practice in society for producers to grant such exclusive distribution rights to merchants.

Claim 57: Awada discloses a system for providing a purchase incentive to a buyer over a computer network as in Claim 56 above, and further discloses that the computer network is the Internet (page 5, para 0058 and claim 3).

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Claim 58: Awada discloses a system for providing a purchase incentive to a buyer over a computer network as in Claim 56 above, and further discloses that the discount is a cash discount with an expiration date (page 4, para 0052).

Claim 59: Awada discloses a system for providing a purchase incentive to a buyer over a computer network as in Claim 56 above. Since each individual merchant in the Awada system creates and stores the electronic coupons which it will accept (page 3, para 0040), it is inherent that the coupon would only be redeemable at that merchant.

6. Claims 4, 5/4, 6/4, 9/4, 10/4, 11/10/4, 12, 16, 18/16, 20/16, 21, 24, 25/16, 25/24, 26/16, 26/24, 29/16, 29/24, 31, 34, 36, 47, 48, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (2002/0065713) in view of Cupps et al (5,991,739).

Claims 4, 12, 16, 21, and 24: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, but does not explicitly disclose accessing a producer (manufacturer) database, displaying a list of producers to the buyer, and receiving the buyer's selection of a producer prior to accessing and displaying the list of products. However, Cupps discloses a similar system and method for providing a purchase incentive to a buyer over a computer network in which a manufacturer database is accessed, a list of manufacturers is displayed to the buyer, and the buyer selects a manufacturer (col 9, line 66 - col 10, line 21) prior to accessing and displaying the products available from that merchant. Therefore, it would have been obvious to one having ordinary skill

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in the art at the time the invention was made to allowing Awada's buyer to select a manufacturer prior to selecting a product. One would have been motivated to allow the buyer to select the manufacturer in order to better meets the desires of the buyer, especially when "name-brand" items are desired (such as in clothing, watches, automobiles, etc.).

Claim 47: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2, 3, 14, and 15 above, but does not explicitly disclose accessing a producer (manufacturer) database, displaying a list of producers to the buyer, and receiving the buyer's selection of a producer prior to accessing and displaying the list of products. However, Cupps discloses a similar system and method for providing a purchase incentive to a buyer over a computer network in which a manufacturer database is accessed, a list of manufacturers is displayed to the buyer, and the buyer selects a manufacturer (col 9, line 66 - col 10, line 21) prior to accessing and displaying the products available from that merchant. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allowing Awada's buyer to select a manufacturer prior to selecting a product. One would have been motivated to allow the buyer to select the manufacturer in order to better meets the desires of the buyer, especially when "name-brand" items are desired (such as in clothing, watches, automobiles, etc.).

While Awada discloses selecting a merchant who covers the geographic area in which the customer is located, it is not explicitly disclosed that the territorial coverage of the merchant has been assigned to that merchant by a producer (manufacturer). However, Official Notice is taken

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that it is old and well known within the retail industries for producers to assign exclusive distribution rights for their product(s) to retailers, such as franchise holders, within a producer-specified territory. It is common to base these assignments on either total area (i.e. square miles or city blocks), on population (i.e. an area encompassing 100,000 residents), or on a geographical or political division (i.e. East Coast or Virginia). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the geographic area which is covered by the merchant in Awada to be an area assigned by the product manufacturer (producer). One would have been motivated to have a producer-assigned territory in view of the common practice in society for producers to grant such exclusive distribution rights to merchants.

Claims 5/4, 25/16, and 25/24: Awada and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, and 24 above. Each reference further discloses that the computer network is the Internet (Awada, page 5, para 0058 and claim 3)(Cupps, col 9, lines 37-39).

Claims 6/4, 26/16, and 26/24: Awada and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, and 24 above. Awada further discloses that the discount is a cash discount with an expiration date (page 4, para 0052).

Claims 9/4, 10/4, 11/10/4, 18/16, 29/16, 29/24, 51, : Awada and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 2-4, 14-16, 24, and 47 above. Cupps further discloses selecting the reseller geographically closest

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to the buyer, based on the buyer's zip code and email address provided as buyer information (Cupps, col 9, line 66 - col 10, line 21 and Figure 3B, items 150 and 152). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the reseller based on the buyer's zip code and email address since Awada discloses collecting various buyer information and operating the system on various devices to include the Internet.

Claim 20/16: Awada and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 16 above. Awada further discloses sending the buyer information and the discount to the reseller (page 4, para 0054).

Claim 31: Awada and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 24 above. Awada further discloses presenting the buyer information to the reseller and receiving the discount (page 4, para 0052 and 0055).

Claim 48: Awada and Cupps disclose a system for providing a purchase incentive to a buyer over a computer network as in Claim 47 above. Awada further discloses the incentive is redeemable only at the selected reseller (page 3, para 0045 and page 4, para 0051). Since each individual merchant in the Awada system creates and stores the electronic coupons which it will accept (page 3, para 0040), it is inherent that the coupon would only be redeemable at that merchant.

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7. Claims 35, 37, 40-43, 46, 55, 60-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (2002/0065713) in view of Scroggie et al (6,185,541).

Claim 35: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, but does not explicitly disclose transmitting the discount information to the buyer using the postal system. However, Scroggie discloses a similar method for providing a purchase incentive to a buyer and further discloses transmitting the reseller and discount information to the buyer using the postal system (col 10, line 17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the reseller and discount information to the buyer in Awada using the postal system as well. One would have been motivated to use the postal system in order to provide incentives to the buyer even while the buyer is not currently connected to the system.

Claim 37: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 32 above, but does not explicitly disclose that the reseller geographically closest to the buyer is selected based on the buyer's zip code and email address. However, Scroggie discloses a similar method for providing a purchase incentive to a buyer and further discloses selecting the reseller that is geographically closest to the buyer, based on the buyer's zip code and email address provided as buyer information (col 6, lines 32-35 and 55-58; col 8, lines 45-52; and col 9, line 66 - col 10, line 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the reseller based

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on the buyer's zip code and email address since Awada discloses collecting various buyer information and operating the system on various devices to include the Internet.

Claim 40: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claim 38 above, but does not explicitly disclose printing and redeeming the incentive at the reseller. However, Scroggie discloses a similar method for providing a purchase incentive to a buyer and further discloses printing and redeeming the incentive (electronic voucher) at the reseller (col 1, line 62 - col 2, line 1 and col 12, lines 51-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to print the incentive in Awada and to redeem the printed incentive at the reseller. One would have been motivated to print the incentive in view of Awada's disclosure that the method could be run through the Internet on the buyer's personal computer, and printing the incentive would allow the buyer to present the incentive to the reseller without having to carry his entire personal computer to the retail establishment.

Claim 62: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network, comprising:

- a. Accessing a product database (page 3, para 0042 and page 4, para 0050);
- b. Displaying a list of products to the buyer (page 3, para 0042);
- c. Receiving a product selection from the buyer (page 3, para 0042 and page 4, para 0051);
- d. Receiving and storing information about the buyer (page 3, para 0043);

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e. Accessing a reseller (merchant) database to select a reseller based on the product selection and the buyer information (page 3, para 0045 and page 4, para 0051); and

f. Transmitting the reseller information and a discount to the buyer (page 3, para 0045 and page 4, para 0051), wherein the discount is selected from a discount database based on the selected product (page 3, para 0040 and page 4, para 0051).

While Awada discloses selecting a merchant who covers the geographic area in which the customer is located, it is not explicitly disclosed that the territorial coverage of the merchant has been assigned to that merchant by a producer (manufacturer). However, Official Notice is taken that it is old and well known within the retail industries for producers to assign exclusive distribution rights for their product(s) to retails, such as franchise holders, within a producer-specified territory. It is common to base these assignments on either total area (i.e. square miles or city blocks), on population (i.e. an area encompassing 100,000 residents), or on a geographical or political division (i.e. East Coast or Virginia). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the geographic area which is covered by the merchant in Awada to be an area assigned by the product manufacturer (producer). One would have been motivated to have a producer-assigned territory in view of the common practice in society for producers to grant such exclusive distribution rights to merchants.

Awada also does not explicitly disclose the buyer information including a zip code and email address. However, Scroggie discloses that the reseller and discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a



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website (col 11, lines 48-51 and col 12, lines 44-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the discount information to the buyer in Awada via email or as a web site display, and in order to do this to collect the buyer's zip code and email address as part of Awada's buyer's personal data.. One would have been motivated to use such means of transmission in view of Awada's disclosure that the system could be operated on the Internet and the fact that these are the two most widely methods of presenting information to Internet users.

Claims 41 and 64: Awada and Scroggie disclose a method for providing a purchase incentive to a buyer over a computer network as in Claims 40 and 62 above, and Awada further discloses the incentive is a cash discount with an expiration date (page 4, para 0052).

Claims 42 and 61: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claims 38 and 56 above, but does not explicitly disclose the buyer information including a zip code and email address. However, Scroggie discloses that the reseller and discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a website (col 11, lines 48-51 and col 12, lines 44-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the discount information to the buyer in Awada via email or as a web site display, and in order to do this to collect the buyer's zip code and email address as part of Awada's buyer's personal data.. One would have been motivated to use such means of

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transmission in view of Awada's disclosure that the system could be operated on the Internet and the fact that these are the two most widely methods of presenting information to Internet users.

Claims 43, 60, and 66: Awada discloses a method for providing a purchase incentive to a buyer over a computer network as in Claims 38, 56, and 62 above, but does not explicitly disclose that the discount information is transmitted to the buyer via email or through the website.

However, Scroggie discloses that the reseller and discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a website (col 11, lines 48-51 and col 12, lines 44-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the discount information to the buyer in Awada via email or as a web site display. One would have been motivated to use such means of transmission in view of Awada's disclosure that the system could be operated on the Internet and the fact that these are the two most widely methods of presenting information to Internet users.

Claims 46 and 55: Awada discloses a system and method for providing a purchase incentive to a buyer over a computer network as in Claim 44 and 53 above, but does not explicitly disclose receiving a producer selection from the buyer and selecting the discount based on the selected producer. However, Scroggie discloses a similar method for providing a purchase incentive to a buyer and further discloses receiving a producer (manufacturer) selection from the buy and selecting the discount based on the selected producer (col 2, lines 45-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the buyer in Awada to select a producer and to use such a selection when selecting the

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discount. One would have been motivated to let the buyer to select the producer in order to allow the buyer to quickly identify a specific product (i.e. Bose speakers) without having to enter numerous criteria to arrive at the desired product.

Claim 63: Awada and Scroggie disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 62 above. Awada further discloses that the computer network is the Internet (page 5, para 0058 and claim 3).

Claim 65: Awada and Scroggie disclose a method for providing a purchase incentive to a buyer over a computer network as in Claim 62 above. Awada further discloses the incentive is redeemable only at the selected reseller (page 3, para 0045 and page 4, para 0051). Since each individual merchant in the Awada system creates and stores the electronic coupons which it will accept (page 3, para 0040), it is inherent that the coupon would only be redeemable at that merchant.

8. Claims 7/4, 8/4, 17/16, 19/16, 27, 28, 30, 49, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (2002/0065713) in view of Cupps et al (5,991,739) as applied to claims 4, 16, 24, and 47 above, and further in view of Scroggie et al (6,185,541).

Claims 7/4, 8/4, 17/16, 19/16, 27, 28, and 52: Awada and Cupps disclose a system and method for providing a purchase incentive to a buyer over a computer network as in Claims 4, 16, 24, and 47 above. But neither reference discloses transmitting the discount information to the buyer via email or displayed on a website. However, Scroggie discloses that the reseller and

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discount information is transmitted to the buyer via email (col 12, lines 44-53 and col 13, lines 21-34) or displayed on a website (col 11, lines 48-51 and col 12, lines 44-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the discount information to the buyer in Awada via email or as a web site display. One would have been motivated to use such means of transmission in view of Awada's disclosure that the system could be operated on the Internet and the fact that these are the two most widely methods of presenting information to Internet users.

Claims 30 and 49: Awada and Cupps disclose a method for providing a purchase incentive to a buyer over a computer network as in Claims 24 and 47 above, but neither reference explicitly discloses printing and redeeming the incentive at the reseller. However, Scroggie discloses a similar method for providing a purchase incentive to a buyer and further discloses printing and redeeming the incentive (electronic voucher) at the reseller (col 1, line 62 - col 2, line 1 and col 12, lines 51-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to print the incentive in Awada and to redeem the printed incentive at the reseller. One would have been motivated to print the incentive in view of Awada's disclosure that the method could be run through the Internet on the buyer's personal computer, and printing the incentive would allow the buyer to present the incentive to the reseller without having to carry his entire personal computer to the retail establishment.

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***Response to Arguments***

9. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Hefner, Jr. (WO01/27838) discloses an integrated electronic commerce system which targets advertisements and incentives to customers based on the customer's demographic profile and location.

B. McDowall, Kimberly (Business Wire), "CTS Enters \$3.9 Billion Mobile Commerce Market with Neumobility, A Location Based Services Division", discloses a system which generates services and incentives based on the customer's location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

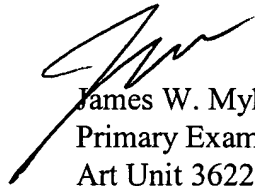
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9326. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM  
March 27, 2003



James W. Myhre  
Primary Examiner  
Art Unit 3622